

# HOUSE BILL No. 1130

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-12-4; IC 35-38-1-7.6.

**Synopsis:** Sex registry listing of cases involving a child's death. Provides that a person convicted of a crime resulting in a child's death is required to register as a sex offender if the crime involved a sex offense.

**Effective:** July 1, 2004.

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**Budak, Dickinson, Becker,  
Summers**

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January 13, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1130

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-2-12-4, AS AMENDED BY P.L.116-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) As used in this chapter, "offender" means a person convicted of any of the following sex and violent offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.



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(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

**(13) A crime resulting in the death of a person less than eighteen (18) years of age, if the judge determines under IC 35-38-1-7.6 that the crime concerned an offense listed in subdivisions (1) through (12).**

(14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(12)~~: **(13)**.

~~(14)~~ **(15)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(13)~~: **(14)**.

(b) The term includes a child who has committed a delinquent act and who:

(1) is at least fourteen (14) years of age;

(2) is on probation, is on parole, or is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(3) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 35-38-1-7.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 7.6. (a) This section applies only to a person who is convicted of a crime resulting in the death of a person less than eighteen (18) years of age.**

**(b) At the time of sentencing, the court shall determine whether the crime:**

**(1) involved:**

**(A) the commission of a crime listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12);**

**(B) an attempt to commit a crime listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12); or**

**(C) conspiracy to commit a crime listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12);**

**even if the defendant was not charged with a crime listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12);**

**(2) was motivated by the desire to:**

**(A) commit a crime listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12);**

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- 1 (B) attempt to commit a crime listed in IC 5-2-12-4(a)(1)  
 2 through IC 5-2-12-4(a)(12); or  
 3 (C) conspire to commit a crime listed in IC 5-2-12-4(a)(1)  
 4 through IC 5-2-12-4(a)(12);  
 5 even if the defendant was not charged with a crime listed in  
 6 IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12); or  
 7 (3) was motivated by the desire to escape the consequences of:  
 8 (A) the commission of a crime listed in IC 5-2-12-4(a)(1)  
 9 through IC 5-2-12-4(a)(12);  
 10 (B) an attempt to commit a crime listed in  
 11 IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12); or  
 12 (C) conspiracy to commit a crime listed in  
 13 IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12);  
 14 even if the defendant was not charged with a crime listed in  
 15 IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(12).  
 16 (c) A determination under subsection (b) must be based upon:  
 17 (1) evidence introduced at trial; or  
 18 (2) a factual basis provided as part of a guilty plea.  
 19 (d) A judge shall record a determination that the defendant has  
 20 committed acts described under subsection (b) on a form  
 21 prescribed by the division of state court administration.

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